

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

2001 SEP -4 P 5:04

KATHRYN BAUMAN RUBENSTEIN,  
PLAINTIFF,

Vs.

BETTY JO BAUMAN,  
MARILYN BAUMAN GRANGER,  
BARBARA BAUMAN KAMENSKY,  
ANN CHANDLER,  
MARIE W. BAUMAN,  
ALAN E. KAMENSKY, Esq.,  
BENJAMIN WAYNE GRANGER,  
GRANGER LIMITED,  
REGIONS BANK,  
BRIAN BICKHAUS,  
RICHARD FOX,  
ROBERT BIRMINGHAM,  
PAT BLACK,  
G. DAVID JOHNSTON, Esq.,  
JOHNSTON, HINESLEY, Flowers,  
& Clenny, P.C.,  
JOEL WEATHERFORD, Esq.  
FARMER, PRICE, HORNSBY &  
WEATHERFORD, LLP  
DON P. BENNETT, Esq.  
DEEP SOUTH INVESTMENTS,  
NANETTE PITCHER,  
PITCHER & ASSOCIATES,  
DIANNE REAM,  
D. REAM PROPERTIES,  
ROSS KENNEDY,  
DOUG McKEOWN, Ph.D  
TOM ZEIGENFELDER  
ARTHUR MEDLEY, Esq.  
D. BRYAN JORDAN

CIVIL CASE  
NO. 1:07cv798-MHT

DEMAND FOR JURY TRIAL

PEOPLESOUTH BANK )  
CB&T BANK )  
WALLACE COOLEY )  
ZEIGOOLEY, INC. )  
MCDANIEL & ASSOCIATES, )  
LEXA DOWLING, Esq., )  
JERE SEGREST, Esq., )  
TOMMY SCARBOROUGH, Esq., )  
FAYE FERRELL, M.D., )  
WALLACE COOLEY, )  
TOM ZEIGENFELDER, )  
ZEIGOOLEY INC., )  
MARGARET JOHNSON, )  
JUDGE BERNARD SMITHART, )  
ELIZABETH SMITHART, Esq., )  
JUDGE LARRY K. ANDERSON, )  
SANDRA K. ANDERSON, )  
DALE SEGREST, Esq., )  
MRS. PHILIP DALE SEGREST, )  
DRAYTON NABERS, )  
FAIRFAX NABERS, )  
JUDY BYRD, )  
CARLA HENBY WOODALL )  
CYNTHIA PITTMAN, )  
OFFICER JOINER, )  
Houston County Sheriff Dept., )  
OFFICER IVEY, )  
Houston County Sheriff Dept., )  
OFFICER KIRKSEY, )  
Houston County Sheriff Dept., )  
SHERIFF ANDY HUGHES, )  
Houston County Sheriff Dept., )  
RICHARD RAMSEY, Esq., )  
JAMES D. HAMLETT, Esq., )  
DEFENDANTS )

**COMPLAINT**

COMES NOW, Plaintiff, Kathryn Bauman Rubenstein, against the above-captioned Defendants and would show unto the Court as follows:

**JURISDICTION AND VENUE**

- (1) Plaintiff files this Complaint and invokes jurisdiction of this Court under and by virtue of the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. § 1983, 28 U.S.C. § 1331, 28 U.S.C. § 1343, 28 U.S.C. § 2201, 28 U.S.C. § 2202 and the doctrine of supplemental jurisdictional to obtain declaratory relief and compensatory and punitive damages. Defendants violated Plaintiff's rights as guaranteed by the Constitution of the United States, by Federal law, and by the laws and Constitution of 1901 of the State of Alabama.
- (2) The violations of Plaintiff's rights as alleged herein occurred in Houston County, and Montgomery County, Alabama and were committed within the Middle District of the State of Alabama.
- (3) Plaintiff, Kathryn Bauman Rubenstein, (hereinafter, "Plaintiff") is over the age of 19 years, and is and at all times material hereto was a citizen of the United States and currently resides in the State of Florida.
- (4) Defendant, Marilyn Bauman Granger is a resident citizen of Bryson City, North Carolina.

- (5) Defendant, Barbara Bauman Kamensky is a resident citizen of Columbus, Georgia.
- (6) Defendant, Alan E. Kamensky is a practicing attorney in the state of Georgia and is a resident citizen of Columbus, Georgia.
- (7) Defendant, Benjamin Wayne Granger is a resident citizen of the state of North Carolina.
- (8) Defendant, Granger Limited is a State of Alabama Corporation, organized in Houston County, Alabama and doing business in Dothan, Alabama and Bryson City, North Carolina.
- (9) Defendant, Regions Bank is a State of Alabama Corporation, organized in Jefferson County, Alabama, and doing business in Dothan, Alabama, Houston County.
- (10) Defendant, Brian Bickhaus, is an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as a trust officer of Regions Bank, Dothan, Alabama.
- (11) Defendant, Pat Black is an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued in her official capacity as an employee of Regions Bank, Dothan, Alabama.

- (12) Defendant, Richard Fox, was an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued in his official capacity as a trust officer of Regions Bank, Dothan, Alabama, and he is currently a resident of the State of Florida.
- (13) Defendant, G. David Johnston, is a practicing attorney in Dothan, Houston County, Alabama and is a resident citizen of Dothan, Alabama.
- (14) Defendant, Joel Weatherford, is a practicing attorney in Dothan, Houston County, Alabama and is a resident citizen of Dothan, Alabama.
- (15) Defendant, Johnston, Hinesley, Flowers & Clenney, P.C. to the best of Plaintiff's knowledge, is an Alabama Corporation operating in Dothan, Houston County, Alabama.
- (16) Defendant, Farmer, Price, Hornsby & Weatherford, P.C. to the best of Plaintiff's knowledge, is an Alabama Corporation operating in Dothan, Houston County, Alabama.
- (17) Defendant, Richard Ramsey, III is a practicing attorney in Dothan, Alabama and is a citizen resident of Dothan, Alabama.
- (18) Defendant, James Hamilton, is a practicing attorney in Montgomery, Alabama and to the best of Plaintiff's knowledge, is a citizen resident of Montgomery, Alabama.
- (19) Defendant, Don P. Bennett is a practicing attorney in Dothan, Houston County, Alabama and is a resident citizen of Dothan, Alabama.

- (20) Defendant, Deep South Investments is an Alabama Corporation operating in Dothan, Houston County Alabama.
- (21) Defendant, Nanette Pitcher is a practicing real estate broker in Dothan, Houston County, Alabama and a resident citizen of Dothan, Alabama, is an employee, officer or agent of Defendant, Pitcher and Associates and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as an agent of Pitcher and Associates.
- (22) Defendant, Pitcher & Associates is an Alabama Corporation operating in Dothan, Houston County, Alabama.
- (23) Defendant, Dianne Reams is a practicing real estate agent in Dothan, Houston County, Alabama and a resident citizen of Dothan, Alabama, is an employee, officer or agent of Defendant, D. Ream Properties and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as an agent of D. Ream Properties.
- (24) Defendant, D. Ream Properties is an Alabama Corporation operating in Dothan, Houston County, Alabama.
- (25) Defendant, Ann Chandler is a citizen resident of the state of Dothan, Alabama.
- (26) Defendant, Marie White Bauman is a citizen resident of the state of Dothan, Alabama.
- (27) Defendant, McDaniel & Associates is an Alabama Corporation operating in

Dothan, Houston County, Alabama.

- (28) Defendant, Ross Kennedy is a practicing accountant in Dothan, Houston County, Alabama and a resident citizen of Dothan, Alabama, is an employee, officer or agent of Defendant, McDaniel & Associates and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as an employee of McDaniel & Associates.
- (29) Defendant, Lexa E. Dowling is a practicing attorney in Dothan, Houston County, Alabama and is a citizen resident of Houston County Alabama.
- (30) Defendant, Faye Ferrell is a practicing physician in Dothan, Houston County, Alabama and is a citizen resident of Dothan, Alabama.
- (31) Defendant, Michael Conaway is a practicing attorney in Dothan, Houston County, Alabama and is a citizen resident of Dothan, Alabama.
- (32) Defendant, Joel Weatherford is a practicing attorney in Dothan, Houston County, Alabama and is a citizen resident of Dothan, Alabama.
- (33) Defendant, Farmer, Price, Hornsby & Weatherford, LLC is an Alabama Corporation operating in Dothan, Houston County, Alabama.
- (34) Defendant, Robert Birmingham, was an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued in his official capacity as a trust officer of Regions Bank, Dothan, Alabama, and he is currently a resident of Montgomery, Alabama.

- (35) Defendant, Carl E. Jones was an employee, officer or agent of Defendant, Regions Bank and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as a former officer of Regions Bank.
- (36) Defendant, D. Bryan Jordan is an employee, officer or agent of Defendant, Regions Bank and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as a officer of Regions Bank.
- (37) Defendant, Larry Anderson is a Judge of the Houston County Circuit Court, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Circuit Judge of the Houston County Circuit Court, Alabama.
- (38) Defendant, Sandra K. Anderson is a citizen resident of Dothan, Alabama.
- (39) Defendant, Dale Segrest is a practicing attorney in T Alabama as was a Specially Appointed Judge of the Houston County Circuit Court, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Specially Appointed Judge of the Houston County Circuit Court, Alabama.
- (40) Defendant, Mrs. Philip Dale Segrest is a citizen resident of Tallassee, Alabama.
- (41) Defendant, Bernard Smithart is a Specially Appointed Judge of the Houston County Circuit Court, and is a person whose conduct proximately and directly harmed

Plaintiff, and is being sued individually and in his official capacity as Specially Appointed Circuit Judge of the Houston County Circuit Court, Alabama.

- (42) Defendant, Elizabeth Smithart is a practicing attorney in Union Springs Alabama and is a resident of Union Springs, Alabama.
- (43) Defendant, Drayton Nabers was Chief Justice of the Alabama Supreme Court, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Supreme Court Justice of the State of Alabama.
- (44) Defendant, Fairfax Nabers is a resident citizen of Birmingham, Alabama.
- (45) Defendant, Carla Hemby Woodall, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of Houston County and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as Circuit Clerk of the Houston County Circuit Court.
- (46) Defendant, Sandra Pittman, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of Houston County and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as an employee of the Houston County Circuit Court.
- (47) Defendant, Officer Ivey, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being

sued individually and in his official capacity as officer of the Houston County Sheriff's Department.

- (48) Defendant, Officer Joiner , is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as officer of the Houston County Sheriff's Department.
- (49) Defendant, Sheriff Andy R. Hughes , is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Sheriff of the Houston County Sheriff's Department.
- (50) Defendant, Doug McKeown, Ph.D., is a practicing psychologist in Dothan, Alabama and Plaintiff believes is a citizen resident of Dothan, Alabama.
- (51) Defendant, Tom Zeigenfelder is a citizen resident of Dothan, Alabama.
- (52) Defendant, Arthur Medley, Esq, is a practicing attorney in Dothan, Alabama and Plaintiff believes is a citizen resident of Dothan, Houston County, Alabama.
- (53) Defendant, Wallace Cooley is a citizen resident of Dothan, Alabama.
- (54) Defendant, Zeigooley, Inc., is a Alabama Corporation operating in Dothan, Houston County, Alabama.

- (55) Defendant, MidSouth Bank, is an Alabama Corporation operating in Ashford, Alabama.
- (56) Defendant, PeopleSouth Bank, is an Alabama Corporation operating in Columbia, Alabama.
- (57) Defendant, CB&T Bank, is an Alabama Corporation operating in Enterprise, Alabama.
- (58) Defendant, Houston County DHR, is an office of the State of Alabama and is operating in Houston County, Alabama.
- (59) Defendant, Margaret Johnson, is a resident citizen of Dothan, Alabama.
- (60) Defendant, Judy Byrd, is a natural person believed to be over the age of 19 years, was an employee, officer or agent of Houston County and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as former Circuit Clerk of the Houston County Circuit Court.
- (61) Defendant, Officer fatty , is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as officer of the Houston County Sheriff's Department.

**NATURE OF PROCEEDINGS**

(62) This is a proceeding for a judgement declaring the relative rights, responsibilities and liabilities of the parties, each to the other, and for compensatory and punitive damages for suffering as a consequence of the wrongs alleged herein, and for this Honorable Court Order that Plaintiff be allowed discovery and that CV-02-5063 either be remanded to the Houston County Circuit Court for said discovery and trial by jury or transferred to a court of law that this Court deems proper.

#### CAUSES OF ACTION

(63) Plaintiff expressly adopts as if fully set forth herein the allegation in the foregoing paragraphs.

#### COUNT ONE

#### DEPRIVATION OF CIVIL RIGHTS UNDER COLOR OF STATE LAW

##### DENIAL OF DUE PROCESS

(64) Defendants set forth in Paragraphs 37, 39, 41 & 43 engaged in compensatory bias in CV-02-5063.

(65) Defendants set forth in Paragraphs 37, 39, & 41 disallowed pertinent discovery, accountings, necessary handwriting samples of certain Defendants as requested by Plaintiff's forensic handwriting expert, refused to compel Defendants to answer pertinent and in some instances, ANY questions during their depositions, denied copies of public documents, denied Plaintiff's freedom of speech, and other freedoms under the United States Constitution.

- (66) Defendants set forth in Paragraphs 4, 21 & 22, refused to answer specific and necessary questions during their depositions as requested by Plaintiff.
- (67) Defendant, Regions Bank refused to respond to specific queries submitted to them by Plaintiff regarding the Theodore Julius Bauman Trust.
- (68) Defendants set forth in Paragraphs 38, 40, 42, & 44 received compensatory bias to influence their Judicial partner/spouse in CV-02-5063;
- (69) Defendants set forth in Paragraphs 41, 46 & 60 denied Plaintiff her Civil Rights and denied her freedom of liberty by refusing Plaintiff/Contestant's request for copies of CV-02-5063 as needed to file a Writ of Certiaroti before the Alabama Supreme Court;
- (70) Defendants set forth in Paragraphs 41, 45, 46 & 60 sought to conspire to deny access to public documents to Plaintiff in Houston County Circuit Court cause of action, CV-02-5063, including but not limited to a COURT ORDER regarding sale of Real Estate from the Theodore Julius Bauman Trust, and at least three return of service documents regarding lack of service for Defendants Carl E. Jones, Ann Chandler & Richard Fox.
- (71) Defendants set forth in Paragraphs 47, 48 & 60 sought to deny Plaintiff her Civil Rights under the United States Constitution by following her throughout the Houston County Courthouse with no written authority and/or by harassing her while she was doing business in said Courthouse.

- (72) Defendants set forth in Paragraphs 41, 45, 46 & 49 sought to deny Plaintiff access to the Houston County Circuit Courthouse and the Houston County Circuit Clerk's Office without specific and direct written permission and not without an officer of the Houston County Sheriff's department escorting Plaintiff throughout the Courthouse.
- (73) Defendants set forth in Paragraphs 41, 45 & 49 sought to deny Plaintiff her Civil Rights by issuing a warrant to deny Plaintiff free access to the Houston County Courthouse.
- (74) Defendants set forth in Paragraphs 41 & 45 sought to defraud Plaintiff of her Civil Rights and due process under The United States Constitution by scheduling a hearing without allowing Plaintiff appropriate time to be able to subpoena necessary parties in the matter regarding a Restraining Order preventing Plaintiff from entering the Houston County Court House.
- (75) Defendants set forth in Paragraphs 45, 46 & 61 filed affidavits in CV-02-5063 and other cases before the Houston County Circuit Court which are Slanderous in nature and sought to destroy the credibility of Plaintiff, and said slanderous statements were made with specific intent to prevent Plaintiff's freedom to view public Court documents and to prevent Plaintiff from entering the Houston County Circuit Court Building.

- (76) Defendant, Dale Segrest with malicious intent to defraud and deny Plaintiff due process, split case CV-02-5063 into 2 parts, disallowed all discovery except one point, then rejoined the split case after Granting Summary Judgement for the Defendants, thus denying Plaintiff pertinent discovery, a pertinent accounting of the Theodore Julius Bauman Trust and denial of Plaintiff's right to due process as guaranteed under the Constitution of the United States.
- (77) The aforesaid conduct proximately caused damage to Plaintiff in that it prevented her from having the right and ability to move forward in a timely manner utilizing necessary discovery with a jury trial in CV-02-5063.
- (78) Plaintiff has been damaged in that she has been subjected to pain, suffering, embarrassment, humiliation, extreme mental anguish and severe emotional distress.

**COUNT TWO**

**LEGAL NEGLIGENCE**

**BREACH OF CONTRACT**

- (79) The Plaintiff contracted with Defendant Richard Ramsey to represent Plaintiff in CV-02-5063 wherein Ramsey breached his fiduciary duty unto Plaintiff by failing to appear in Court wherein, Plaintiff was forced to represent herself.

(80) The Plaintiff contracted with Defendant, James Hamilton to represent Plaintiff in the appeal of CV-02-5063, Hamilton breached his fiduciary duty unto Plaintiff by denying her a copy of his brief in the afore mentioned matter and by writing said brief not to benefit Plaintiff, but to benefit Defendants in the aforementioned cause of action and for demanding further compensation subsequent to receipt of the agreed compensation in order to prevent Plaintiff from receiving a copy CV-02-5063 Court records which Plaintiff had previously submitted payment for to Defendant.

(81) Plaintiff has been damaged in that she has been subjected to pain, suffering, extreme mental anguish and severe emotional distress and that Defendants actions have irrevocably damaged Plaintiff's rights and abilities to receive appropriate justice in the aforementioned cause of actions.

**PRAYER FOR RELIEF**

WHEREFORE, THE PREMISES CONSIDERED, the Plaintiff prays for relief as follows:

(a) Enter a declaratory judgment that the practices complained of herein are unlawful and violative of the Fourth, Fifth and Fourteenth Amendments to the United States Constitution;

- (b) Grant damages as against the Defendants in an amount to be set by the Jury;
- (c) Grant Plaintiff the cost of this action;
- (d) Remand CV-02-5063 to an appropriate Court for necessary discovery and a trial by jury;
- (e) Enjoin the Defendants from any retaliation;
- (f) Grant such other, further and different relief as this Court may deem just and proper, including all equitable relief, the awarding of which is within the jurisdiction of the Court.

**PLAINTIFF HEREBY DEMANDS TRIAL BY STRUCK JURY**

Dated this 4<sup>th</sup> day of September, 2007.

*Kathryn Bauman Rubenstein*  
*Kathryn Bauman Rubenstein*  
KATHRYN BAUMAN RUBENSTEIN, Attorney Pro Se  
P. O. Box 2243, Dothan, AL 36302  
(334) 803-2526

Sworn to and subscribed before me this 4 day of September,

2007. *Jenna Barbaree*

My Commission Expires April 23, 2010

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NOTARY PUBLIC

Serve Defendants at:

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Alan Kamensky  
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Zeigooley, Inc.  
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CB&T Bank  
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Enterprise, AL 36330

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Robert Birmingham  
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Drayton Nabers, Esq. 3300 Dell Road Birmingham, AL 35223	Sandra K. Anderson 1111 Hillbrook Road Dothan, AL 36303
Elizabeth Smithart, Esq. 101 Conecuh Ave. W. Union Springs, AL 36809	Judge Bernard Smithart Bullock County Courthouse 217 North Prairie Union Springs, AL 36809
Mrs. Philip Dale Segrest 606 Camellia Drive Tallassee, AL 36078	Dale Segrest, Esq. P.O. Box 780791 Tallassee, AL 36078
Sandra Pittman Houston County Court 114 North Oates Dothan, AL 36303	Carla Woodall Houston County Circuit Clerk 114 North Oates Dothan, AL 36303
Officer Ivey Houston County Sheriff Dept. 144 N. Oates Dothan, AL 36303	Officer Joiner Houston County Sheriff Dept. 144 N. Oates Dothan, AL 36303
Officer Kirksey Houston County Sheriff Dept. 144 N. Oates Dothan, AL 36303	James Hamilton, Esq. 621 S. Hull Street Montgomery, AL 36104
Sheriff Andy R. Hughes Houston County Sheriff Dept. 144 N. Oates Dothan, AL 36303	Richard Ramsey III, Esq. 256 Honeysuckle Road Suite 26 Dothan, AL 36305
	G. David Johnston, Esq. P.O. Box 2246 Dothan, AL 36302

Johnston, Hinesley, Flowers & Clenney, P.C.  
P.O. Box 2246  
Dothan, AL 36302

Judy Byrd  
407 Drake Drive  
Dothan, AL 36305

Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602000296  
Cashier ID: cstrecke  
Transaction Date: 09/05/2007  
Payer Name: KATHRYN BAUMAN RUBENSTEIN

CIVIL FILING FEE

For: KATHRYN BAUMAN RUBENSTEIN  
Case/Party: D-ALM-1-07-CV-000798-001  
Amount: \$350.00

CASH

Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

DALM1:07CV000798-MHT

RUBENSTEIN V BAUMAN ET AL

KATHRYN BAUMAN RUBENSTEIN

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